REMARKS

This amendment is submitted in response to the Examiner's Final Action dated October 29, 2003 and pursuant to a telephonic conference between Examiner and Applicant's representative on January 7, 2004. During that conference, Applicant's representative discussed with Examiner the entry of the current amendments to the claims, which amendments include the incorporation of dependent claim features into their respective independent claims. The claim amendments reduce the number of issues for appeal. No new matter has been added and the incorporated features from the dependent claims were previously considered by Examiner.

Applicant thanks the Examiner for his time spent on the telephonic conference, and Applicant respectfully requests entry of the amendments to the claims and an indication of such in any subsequent action. Where arguments are provided below to rebut claim rejections, those arguments reference the claims in their amended form.

CLAIMS REJECTIONS UNDER 35 U.S.C. § 102

At paragraph 3 of the Office Action, Claims 1-24 are rejected under 35 U.S.C. § 102(e) as being anticipated by Tyra, et al. (U.S. Patent No. 6,442,565). Tyra does not anticipate Applicant's invention because Tyra does not teach each element recited within Applicant's claims.

Applicant's invention refers specifically to a messaging system on a client-server network that allows the client to initiate (activate or trigger) the execution of a function on the server by sending a command to the server with the exact name of the function (class) included within the command. That is, Applicant's invention provided actual names of the executable files within the command to increase the likelihood that the function's executable file will be located and executed at the server. The term "class file" or "class" as utilized within Applicant's invention refers to an executable function that is stored on the server with a specific class name similar to one of the names being utilized within commands issued by the client to the server. The use of the class file naming process operates similarly to a call to a subroutine or other remote functional call on the server. Thus, "loading a class," for example, does not merely mean retrieving a file or document and transmitting the file/document back to the client (as is done by

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Tyra). Rather, loading a class actually initiates the execution at the server of the function (or source code) represented by the class name. (see page 8, lines 23-25 and line 29-page 9, line 3; page 11, lines 11-13)

Applicant's claims recite the following features/elements: (1) "receiving a command name at a server via said messaging system, said command name being sent by a client to initiate a particular one of multiple server functions identified by an executable having a name synonymous with said command name;" and (2) "dynamically executing functions on said server associated with said class file" (emphases added). For Tyra to anticipate Applicant's claims, Tyra must teach each of the above features (in addition to others of dependent claims not mentioned above). Tyra does not.

Applicant hereby incorporates by reference the arguments provided in Amendment A filed August 25, 2003. In that amendment, Applicant provided a brief review of Tyra and listed areas in which Tyra was deficient for a 102 rejection. Among these deficiencies was the following: "Unlike Applicant's claimed invention, which transmits a command that activates the execution of specific functions of a class file (identified by the class name) at the receiving node (e.g., server), Tyra's transmission method does not execute functions of a class file at the server. Rather, Tyra's server operates solely as a repository of data, which transmits the data back to the requesting client and other systems on the network."

Support for this analysis of Tyra is found at col. 17, lines 44-46, which states that the "class" is loaded and returned to the application, and again at lines 61-63, which states that the class is loaded into memory and delivered to the application. The term "application" as utilized by Tyra refers specifically to a client application (line 28) and not a server application. Even Tyra's title, abstract, and disclosure all support the argument that Tyra' system deals specifically with "transmitting data content" to a requesting client seeking updates to the data. Col. 2, lines 59-67 describes searching for a requested file by manipulating the identifier.

In addition to the above arguments, however, Applicant now adds that Tyra is clearly devoid of any teaching of "dynamically executing functions ..associated with said class file."

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The "executing" being described by Applicant's claims refer specifically to actual implementation of the function performed as a characteristic of the class file and NOT operations by the server in locating the class file (as is suggested by Examiner and described by Tyra). As explained above, Tyra merely returns the requested data/file to the client system. Tyra does not provide an associated functional operation in response to locating the file at the server/network. Applicant's invention, in contrast, relates specifically to triggering a network-level functionality/application whenever the class name within a command locates the corresponding executable with similar file name. Notably, Applicant's claims refer to class files that is an executable.

The final paragraph of page 3 of the Office Action shows that Examiner has misinterpreted the use of the term "executing functions" within Applicant's claims. Examiner suggest this is synonymous with functions required to locate/find the file ("such as searching.. comparing the manipulated identifier, and loading and transmitting the file.. to the client"). This is not what is provided by Applicant's claimed invention. Executing functions refers specifically to the functionality of initiating source code associated with the class file and not locating the class file.

In view of the above arguments, it is clear that Tyra does not teach (or suggest) the specific features recited by Applicant's claims. The standard for a § 102 rejection requires that the reference teach each element recited in the claims set forth within the invention. Tyra fails to meet this standard and therefore does not anticipate Applicant's invention.

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CONCLUSION

Applicant has diligently responded to the Office Action by amending the claims to reduce issues for appeal and by explaining which features of Applicant's claims are not taught by Tyra. The arguments overcome the §102 rejection, and Applicant, therefore, respectfully requests reconsideration of the rejection and issuance of a Notice of Allowance for all claims now pending.

Applicant also respectfully requests the Examiner contact the undersigned attorney of record at (512) 542-2130 if such would further or expedite the prosecution of the present Application.

Respectfully submitted,

Eustace P. Isidore
Registered with Limited Recognition (see attached)
BRACEWELL & PATTERSON, L.L.P.
P.O. Box 969
Austin, Texas 78767-0969
(512) 542-2100
ATTORNEY FOR APPLICANT(S)

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